

FEB 14 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Proctor, Jr.

Application No.: 10/767,843 Group: 2661

Filed: January 29, 2004 Examiner: Not assigned

Confirmation No.: 2970

For: METHOD FOR COMPENSATING FOR MULTI-PATH OF A CDMA  
REVERSE LINK UTILIZING AN ORTHOGONAL CHANNEL  
STRUCTURE

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

Feb-11, 2005 Elaine Leahy

Date Signature

Elaine Leahy

Typed or printed name of person signing certificate

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(b) AND  
TRANSMITTAL OF DECLARATION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to a Decision Refusing Status under 37 C.F.R. § 1.47(b), mailed from the Office of Petitions on September 17, 2004, we are submitting a declaration executed by the sole inventor, James A. Proctor, Jr. An extension of time to respond to the Decision Refusing Status

under 37 C.F.R. 1.47(b) is respectfully requested. A Petition for Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon  
Mark B. Solomon  
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Concord, MA 01742-9133

Dated: 2/11/05

DOCKET NO. 2479.2166-000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

## [ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method for Compensating for Multi-Path of a CDMA Reverse Link Utilizing an Orthogonal Channel Structure

the specification of which (check one)

- [ ] is attached hereto.
- was filed on January 29, 2004 as United States Application Number 10/767,843.
- [ ] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [and assigned United States Application No. [ ]].
- [ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Not Claimed</u>	<u>Certified Copy Filed?</u>
<u>YES</u>	<u>NO</u>			
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]
(Number)	(Country)	(Day/Month/Year filed)	[ ]	[ ] [ ]

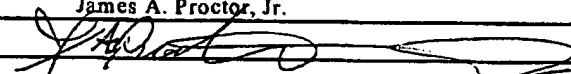
-2-

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor

James A. Proctor, Jr.

Inventor's Signature



Residence: City

State

Country

Citizenship

Melbourne Beach	FL	U.S.A.	U.S.
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